Preserve

GRS IX 5]

Previous references
me 3 88 8, 9 110
24 17 73 75
Edu 7-19 " 19
" 19-17 73 96, 102 117
138, 136, 137 140 2 145
me 23 17 " 15, 21, 34 2 70
Later references
me 3 22 88 11 to 14

1923

File No 3 23

Serial Nos 9 2 12

Edu 33 14 88 83 87, 88
90 2 92
" 33 14 88 69 2 82
" 376-13 88 125
7-19 88 16 2 19

GENERAL AND REVENUE SECRETARIAT

Later refce :—
Jdr 14-24-7
me 209-26 8.64

Serial Nos

Part B for August

SUBJECT

payment of the Cost by Dharmapratkasa
mr D Pranumavah for the land acquired and made
over to him by the Trusted Board

12 To, The Chairman Trusted Bd Mayaray
the 9 by of Educ the Comptroller
No L 1193-57 d 7 8 24
Directs that one third of the
Cost of the land actually made over to mr
D Pranumavah be recovered from him

To, The Private Secy to H H
No L 1203/d 7 8 24
Forwards Copy

HS
16 8 24

G R § 11] 1923

GENERAL AND REVENUE SECRETARIAT

(Mun)

NOTES

M File No 3-23

FILE HEADING

Acquisition of properties for the Mysore city Improvement

From

The Chairman, Mysore city Impt Trust Bd

No. 85 Dated 30-4-24 Received 1-5-24

Diary No 6089	Enclos	Spare Copies	Serial No. 9

BRIEF ABSTRACT OF LETTER

Forwards an application from Dharmaprakasa Mr D Bamanayya stating that he is prepared to pay 1/3 rd of the cost of acquisition of the land that may be made over to him and that if this is not possible no land is required for his school and that the sum of Rs 6,600 advanced by him may be refunded

NOTES AND ORDERS

P.T.O

NOTES—First Sheet.

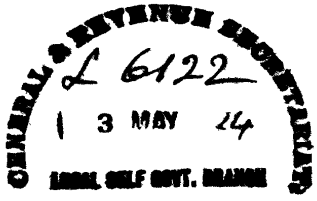
REPLY

(To be written on this margin)

Office of the Dewan of Mysore.

NOTE

Dated 2nd May 1924



D O. letter dated 30th April 1924 together with its enclosure (both in original) from the Private Secretary to His Highness the -- Maharaja of Mysore, to the Dewan of Mysore, is forwarded with compliments to the Secretary, Local and Legislative Departments, with the request that a complete note with the connected files may be put up as early as possible

To

The Secretary to Government
L I Deptts, with compliments

CSR

Recd 3/10 P M
3/5/24

3524

Serial No

MA 23-17-15

(4) On the 10th November 1917, the Chairman, Mysore City Improvement Trust Board, submitted a scheme costing Rs 13,520 for the acquisition of 14 properties behind Mr. D Banumiah's School and proposed that free grant of the land to be acquired be made to the school. This proposal was considered along with the recommendation of the Inspector-General of Education for an additional grant of Rs 15,000 to the school (besides Rs 20,000 already paid for it) and the Inspector-General of Education was informed in Education Secretary's letter No. 12138/Edn.79-17-47 dated the 18th June 1918 that Government were of opinion that the site proposed by the Trust Board may be acquired and given over to the school instead of an additional grant. At the same time Government directed that it should be clearly understood that buildings for which grant is given should not be utilised for other than Educational purposes and the Inspector-General of Education was requested to discuss the matter with Mr Banumiah and send up final recommendations in the matter.

5 The Inspector-General of Education after some correspondence reported that Mr. Banumiah had executed an agreement with regard to the school building and recommended that an additional building grant of Rs. 15,000 may be sanctioned. The proposal was ordered to be renewed after the school was raised to a High School and on the Inspector-General of Education having reported on the 12th August 1919 that the school was converted into a High School

NOTE—Contd sheet

Serial No

the Government directed in G.O. No. 2103-4/Edn-19, dated the 30th August 1919 that the grant of Rs. 15,000 recommended be paid after the deed of Trust is registered and given effect to, and that the instructions issued to the Inspector General of Education on the 18th June 1918 regarding the acquisition of the adjoining land be modified and Mr. Banumiah asked to apply to the Trust Board for such help as may be given consistently with the existing provision of law. The submission note submitted to His Highness in this connection explains the whole case. From this it will be seen that Rs. 20,000 already granted for the school building was too liberal, that in lieu of site to be acquired and given free as promised, a grant of Rs. 15,000 was made and that Mr. Banumiah should make his own arrangements to get the land by applying to the Trust Board. The Council resolution in the matter states that the sum of Rs. 15,000 may be paid to Mr. Banumiah after the deed of Trust is registered and given effect to and that this order will modify the order for the acquisition of the adjoining land. A copy of the G.O. of the 30th August 1919 referred to above was also sent to the chairman, Mysore City Improvement Trust Board and he was informed in Revenue Secretary's letter No. 12254/M1. 23-17-70 dated the 19th April 1920 that the provisions of the Land Acquisition Regulation could not be applied for the acquisition of the properties, the costs of which should be borne by Mr Banumiah himself and that Mr. Banumiah must himself arrange to secure the lands by private negotiation.

Note—Contn. sheet.

Serial No

Ml 24-17

6 While the case stood thus, the Private Secretary to His Highness in a letter of the 14th October 1920 to the address of the Dewan stated that "His Highness * * * feels that the Government should go to the rescue of Mr. Banumiah and his school and sanction the acquisition of the houses. It would, I am to add mean never-ending delay if we were to wait for Mr. Banumiah to acquire them by private negotiation * * * **** it seems strange to His Highness that the mere fact that Mr. Banumiah is going to bear the cost -- should prevent their acquisition under the Regulation. * * * Granting, however, that the difficulty does exist and that the Regulation has to be literally interpreted, Government could perhaps overcome it by meeting the cost of acquisition themselves in the first instance, and recovering it afterwards from Mr. Banumiah."

7 The acquisition of the properties was accordingly sanctioned in G.O. No. R. 5970-1/Ml. 24-17-73, dated the 19th November 1920 and the Chairman was in Revenue Secretary's letter No. 5972/Ml. 24-27-74, dated the 19th November 1920 requested to acquire the properties in the first instance for the Trust Board and then make them over to Mr. Banumiah after recovering from him the cost of acquisition and clearance of the site or any other reasonable price which may be decided upon by the Board

8 On the 14th June 1921, Mr. Banumiah submitted a petition that there were very unhealthy houses just behind the school and that in spite of his prayers for 5 years to acquire those houses and demolish them

Ml 3-22

Noted—Contd check.

Serial No

nothing has been done so far, and that the President of the Municipal Council is saying that unless compensation is paid the houses cannot be acquired. A report was called for on the petition and the correspondence with the Inspector General of Education and the Chairman in the matter disclosed that in accordance with the suggestion of the then Inspector General of Education Mr. C R. Reddy, and agreed to by Mr. Banumiah, it was arranged that one-third of the entire cost of acquisition be met by Mr. Banumiah, one-third from the Education Department and the remaining one-third by the Trust Board. The Government in their order No. L. 8119-20/Ml. 3-22-10, dated the 19th June 1923 declined to ratify the agreement regarding the apportionment of the cost of acquisition and directed that Mr. Banumiah should be called upon to pay the whole cost of acquisition for the land handed over to him, and that Mr. Banumiah should also pay similarly for the properties not yet in possession of and that if he is unwilling to do so, a recommendation may be made for withdrawing from their acquisition.

8). The Trust Board in their meeting dated the 7th July 1923 resolved that Government be requested to reconsider their order of the 19th June 1923 and Government stated in their Order No. L. 6901-2/Ml. 3-22 14, dated the 1st March 1924 that "It is perfectly clear that Mr. Banumiah had to pay the cost of the acquisition, but he has got a total grant of Rs. 35,000 towards his buildings and has not paid anything towards the cost of the acquisition of 992 sq yds. placed at his disposal, which involved an expenditure on Government of nearly Rs. 13,000. The arrangement of Mr

Note—Contd sheet

Banumiah paying one-third of the entire cost has not at any time been agreed to by Government. The supplemental grant of Rs. 15,000 was received by Mr. Banumiah under an understanding which cannot now be repudiated. It is to be regretted that this amount was actually disbursed without setting it off towards the acquisition charges. If the Trust Board considers that the remaining six houses out of the 14 properties acquired, have to be used for their purpose, they should pay for it out of their funds or withdraw from the acquisition as possession has not yet been taken. The land acquired at a cost of Rs. 13,000 should be taken back from Mr. Banumiah if it has already been handed over to him unless he pays the full value of the acquisition according to the original understanding. These orders should be enforced without further delay."

P.W 9 I

P.W 9 II

9. With reference to this order, the present Chairman forwards a petition from Mr. Banumiah and submits a note for the orders of Government. A copy of this note has also been received with the Private Secretary's D.O. letter dated the 30th April 1924.

10. Mr. Banumiah says - (1) that he never undertook to pay Rs. 13,000 towards the cost of acquisition, (2) that the Government grant of Rs. 15,000 sanctioned in G.O. of the 30th August 1919 together with a sum of Rs. 5,000 to be supplemented from his own funds was intended for a School Fund. (3) according to the grant in-aid rules he should have been given a grant-in-aid of Rs. 46,666 being one-third of the estimated cost of the building while only a total grant of Rs 35,000

has been disbursed to him.

(4) he is prepared to pay one-third cost of the - acquisition of the land that may on actual measurement be made over to him and if this is not approved no land is required for the school and the sum of Rs. 1,600 advanced by him may be refunded.

11. The present Chairman says that (1) It is - - abolutely necessary to remove the six houses not yet acquired in the interests of the ~~fm~~ students attending the school and it is not desirable to allow family houses to stand hardly within 10 yards of the school

(2) though the land already given to the school be taken away from it, it will still have the benefit of the land since it cannot be allowed to be put to any other use.

(3) if the agreement made with Mr. Banumiah by the Inspector General of Education regarding the apportionment of cost equally among Mr. Banumiah, the Education Department and the Trust Board is not ratified by Government the whole cost will have to be borne by the Board and its finances are not satisfactory.

12. The Private Secretary says - (1) that it is but fair that no more than a third of the cost of acquisition of only those properties that will be taken up for the benefit of the school should be paid for by Mr Banumiah and (2) it is after all for a public purpose that the land is needed and Government too should help him in improving the school.

13. The contention of Mr. Banumiah that he will pay only one-third of the charges of the acquisition of the land made over to him, that he never undertook to pay Rs. 13,000 towards the cost of acquisition and the

Serial No

the grant of Rs. 15,000 sanctioned in the Government Order of the 30th August 1919 was utilised for the school fund cannot be upheld and there are no valid grounds for the Government or the Trust Board to meet a portion of the cost of acquisition. While sanctioning the grant of Rs. 15,000, the previous intention of granting the site in lieu of cash grant was modified and the Government clearly directed that he should acquire the land at his own expenditure. Thus it will be seen that the sum of Rs. 15,000 was granted as a lump sum for meeting the cost of acquisition of the land. In Revenue Secretary's letter No. 5972/Ml. 24-17-24, date the 19th November 1920 it was clearly stated that the properties may be acquired in the first instance for the Trust Board and then made over to Mr. Banumiah after recovering the cost of acquisition and - - clearance of the site or any other reasonable price that may be fixed by the Trust Board. Mr. Banumiah says that he should have got in all a grant of Rs. 46,666 against Rs. 35,000 already paid. This can not also be a valid reason for him for not paying acquisition charges which were incurred primararily on account of his school. It may be noted here that the whole cost of the school building was stated to be Rs 93,319 by the Inspector General of Education in February 1918, as Rs. 1,05,000 by Mr. Banumiah on 25th April 1918 and now it is stated to be about Rs. 1,40,000. The question of grant to the building was finally settled in the Government Order of the 30th August 1919. The land having been acquired on the clear understanding that Mr. Banumiah should ultimately pay the compensation and demolition charges, the offer of the Trust

Note—Contn. sheet

Serial No

Board and the Inspector General to contribute each a third of the cost of acquisition and demolition is clearly unauthorised and Government have rightly declined to ratify the so-called agreement entered into with Mr. Banumiah. Whether the money comes from the Trust Board Funds or the Education Budget, it is really the Government that will have to pay the charges, as they have already paid Rs. 15,000 for the acquisition of the lands as shown above, the effect of the accepting the recommendation of the Trust Board and the Inspector General of Education to contribute each one-third of the cost of acquisition would be to pay twice over for the acquisition In these circumstances, it is inequitable to accept only one-third of the acquisition charges from Mr. Banumiah

14. Mr. Banumiah is estopped from saying that the properties acquired are not required by him. For, at his own instance, the properties were acquired for the purpose of the school and a grant of Rs. 15,000 was made on the understanding that he should pay for the acquisition In law, he may be called upon to refund the sum of Rs. 15,000 already paid to him if he does not pay for the lands acquired on the ground, as the Chairman states, that the lands though taken away from the school cannot be put to any other use.

8122

Note—Contn. sheet.

Serial No

16) Recommendation although the Bramamarkis letter of 16/5 was the Chairman's letter of 30/4/24 is 15/5

19) Memorandum is submitted 16/5/24 HPK

20) Memo copy as noted 20/5/24 17/5

21) Typed copy of the above sketch is enclosed HPK 17/5/24

Orders) 20/5/24 17/5

22) Before 1919 the following grants were sanctioned for this school —

Go 97/12 8 14		5000
Go 97/5 7 15		5000
Go 97/29 11 15		10000
	Total	20,000

23) In Doc 28 the Commissioner reports that the cost of the building was ₹ 93,319 and that under the ordinary rules the building grant that could be paid was ₹ 31,106 & it was stated that the buildings therefore had been incurred "at the instance of the authorities" he recommended as a special case a total building grant of ₹ 35,000 i.e

Note—Contn. sheet.

Serial No.

By 15 over drawn what had been already paid

24) meanwhile a proposal had been submitted by the Chairman of the Trust Board to acquire certain properties adjoining the School & make free grant of the area thus acquired to the School. Report was sent in June that the Executive Engineer could not in lieu of the additional grant proposed spare any part of the legal requirements in acquiring land for a private institution, as it then was vested all the funds sanctioned the additional ben drawn grant of Rs 15,000. Regarding the acquisition of additional land for the School. Govt directed that "Dr Bannerjee should apply to the Trust Board for such help as may be given consistent with the existing provisions law" This order of 26 8 19 was not communicated to the Trust Board, but later (on 19 4 20) the Chairman of the Trust Board was informed, and reference to the Board's resolution of 30 10 19 to acquire the land and give it over free to the School, that the provisions of the Land Acquisition Act could not be

sheet.

Serial No

Mar 1922

applies to the case, and that Mr Barnicoat might arrange to ~~acquire~~ secure the lands by private negotiation. This was subsequently modified to secure that sanction was given to the acquisition of the property of the Trust Board in the first instance, & that being made over to Mr Barnicoat after securing the early acquisition and clearance, or any other reasonable force that may be decided upon by the Board.

(5) An arrangement seems to have been come to subsequently between the Chairman of the Trust Board & Mr Bates of Feb 1923 that one-third of the early acquisition might be met by the Trust Board one-third from the Endeavour and one-third by Mr Barnicoat. This arrangement was made subject to the sanction of Govt.

(6) Metrical area note sheet for acquisition 1618 sq yds. Of this 992 sq yds were acquired at a cost of £2000 & leased to Mr Barnicoat & thereby the remaining 626 sq yds & £7580 Mr Barnicoat's sq yds liable for the payment of any an-

NOTE—Contn sheet.

[R. S III-2]

General and Revenue Secretariat

File No. 3 of 1923

Serial No

of the cost of acquiring the Lahan actually made up to date and that of the (unrestricted) arrangement of the Kahans that he should pay no part of the total cost for 60 yds (the arrangement between the Chairman the D.S & Mr Bannerjee about this seem to have been rather vague) Mr Lascelles then said that Mr Bannerjee should pay the entire cost of acquisition of 992 sq yds

2) The new Lahan settlement in accordance with the order of Nov 1922, but the idea that Rs 15, on account of land in boundary part was paid in lieu of cost of acquisition and land needed should be placed merely the boundary, [illegible] last words on the D.S recommendation of Rs 35, on which has considered the acquisition cost land the school might be viewed as an independent town which is spent for by him nothing

NOTE—Contd sheet

Serial No

man can be fixed for the school, since there seems to be no serious objection to treating the case as one of improvements of the Building or premises & permit a grant-in-aid of the cost of such improvement. Under the law as it now stands however such applications shall not exceed one-third the cost

2) I do not think that the views that Mr Barrowman can be called upon to approve of one-third of the cost of acquiring the 99 yrs can be supported — altho' the Trustees & authorities have in a manner committed themselves to this. What Mr Barrowman can ask for is a grant of one-third of the cost, & we he will have to pay two-thirds, — about as soon.

238
77 24

1st Member

7/7/24

RECEIVED OFFICE
12 JUL 1924
278

2) In Hon under dated the 30th August 19 forwarded a proposal for a further grant of Rs 15,000 as a special case & directed

NOTE—Contn sheet

Serial No.

[illegible] [illegible] [illegible] [

G R S. III 2]

WD 2810—GPB—10 000—31-5-24

General and Revenue Secretariat | Nil File No 3 of 1923

DEWAN'S OFFICE.
ON 31 JUN. 1924
Reg No 891

Serial No

Submitted for personal reference with reference to para 20

Secretary

Private Secretary

12 no L 1093-5 A 7/8/24 To Trust Board, 9-9-24 Con, Complete Dress that the Trust Board do recover from Mr Bammaiya one third part cost of the land actually made over taken excluding the portion for the road (i) 1/3 of 192 Sq yds Costing Rs 12 annas (ii) Rs 4000

B

Copy of private Secretary to HH the Maharaja no L 1203 A 7-8 24

NOTE—Conton sheet

G R S III 2]

WD 2310—GPB—10,000—31-5-24

General and Revenue Secretariat	File No.	of 19
Serial No		

NOTE—Conton. sheet

D.O. No. 290
Income

PRIVATE SECRETARY TO H.H. MYSORE

THE PALACE,
MYSORE
30th April 1924

My dear Mr Banerji,

The accompanying note gives the history of the acquisition of Mr properties behind Banumiah's High School It makes a sad story of delays and misunderstandings that have occurred over this simple case, which has dragged on for over seven years A perusal of the note will, I hope convince you that it is but fair that no more than a third of the cost of acquiring only those properties, that will be taken for the benefit of the school, should be paid by Mr Banumiah, the other two-thirds coming from the Trust Board and the Education Department It would be hard lines to ask him to contribute towards the acquisition of properties, which are required for widening the road It is, after all, for a public purpose that he needs the land, and Government, too, should help him in improving the School

N O T E.

Regarding the acquisition of properties behind Dharmaprakasa D. Banumiah's High School.

The free grant of the land behind Mr. Banumiah's School was first suggested by Mr.R.H. Campbell, I.C.S., C.I.E., Private Secretary and Trustee, who visited the School at the special request of Mr. Banumiah in October 1916, whereupon the Trust Board in their meeting dated the 30th October 1916 resolved "that the properties estimated to cost Rs 13,250 be acquired, and the land added on to Mr. Banumiah's School, free of cost". A scheme for the acquisition of the 14 properties behind the School was accordingly submitted to Government with this office letter No.347-S.61/C.432 of 1916-17 dated the 10th November 1917. As orders of Government were not received and Mr. Banumiah kept urging, reminders were sent to Government. In April 1920, a reply was received from Government in Revenue Secretary's let No.R.12,254/M1.24-17-70 dated the 19th April 1920, stating that the provisions of the Land Acquisition Regulation could not be applied for the acquisition of the properties in question, and that Mr. Banumiah must arrange to secure them by private negotiation Order was communicated to Mr. Banumiah, but nevertheless, he continued to agitate in the matter a petitioned also to the President of the City Municip Council, and the Sanitary Commissioner.

2. While matters stood thus, Government on a reconsideration of the case, sanctioned, in their Order No.R.6970-1/M1 24-17-73 dated the 19th November 1920, the acquisition of the properties at an estimated cost of Rs 13,520, the cost being met in the

first instance by reappropriation from the Budget grant of the Trust Board. This order was followed by another letter No.R.5972/Mi.24-17-74 dated the 19th November 1920 from the Secretary to Government, Revenue Department, stating that the properties might be acquired in the first instance for the Trust Board, and then made over to Mr Banumiah after recovering from him the cost of acquisition and clearance of the site, or any other reasonable price which may be decided upon by the Board.

3. The question what price Mr. Banumiah was to pay for the properties appears to have been considered during a visit of the school in February 1920 by Mr. Reddi who was then the Inspector General of Education and he seems to have suggested that in as much as the surroundings would also be benefited to some extent by improvement of the rear road, the Trust Board might bear ⅓ of the entire cost of acquisition, ⅓ being contributed by the Education Department and the remaining ⅓ being paid up by Mr. Banumiah (Vide Chairman's Note on this office draft letter No. 275-S.50/C.129 of 1919-20 dated the 12/13th January 1920 to Government). After the receipt of the Revenue Secretary's letter dated the 19th November 1920, the question appears to have been considered again during another visit of Mr. Reddi, as Mr. Banumiah complained that half the cost would be high for him, and it seems to have been decided as a compromise, that 1/3 of the cost be borne by the Trust Board, 1/3 by the Education Department and the other 1/3 by Mr. Banumiah himself. (Vide Chairman's Note dated 24th November 1920 at the foot of Government Order No. R.5970-1/Mi.24-17-7[illegible] dated the 19th November 1920). These facts were

reported to Government in this office letter No.44, dated the 22nd December 1922

4. The Chief Secretary having , in his letter No.E.581/Edn.9-21-23 dated the 2nd August 1922, called for a report as regards the acquisition of the sites behind the School for the construction of a Science Laboratory for the same, it was reported in this office letter No.20 dated the4/7th September 1922 that eight out of 14 properties declared for acquisition had been taken possession of and dismantled and the remaining had still to be taken possession of, that the total cost of acquiring and demolishing all these 14 properties would amount to Rs 19,579-8-0 and that it was agreed that the Trust Board, the Education Department and Mr. Ramaiah were to pay each a third of the cost Viz: Rs 6,526-8-0.

5. On a copy of the above letter being furnished to Mr. Ramaiah, he represented to Government that he was was liable to pay a third of the cost of the site given over to the School and not a third of the entire cost of acquiring and demolishing all the 14 houses, and on this a further detailed report was called for as to whether he was called upon to pay for all the properties including those reserved for widening the roads. This was furnished in this office letter dated the 22nd December 1922. It will be seen from para 3 thereof that the total area proposed to be cleared is 1,618 square yards and that 992 square yards will be within the compound of the School and the remaining 626 square yards will be for roads etc. outside. A clear and definite understanding as to whether he was to pay a third of the entire cost of acquisition and demolition or only a third of the cost of what would be added on to the School does not seem to have been arrived at, since in a letter dated the 31st August 1921 addressed

V3

addressed to him by the Chief Officer of the City Municipal Council he was required to remit Rs 4,000 "which will nearly be one third of the entire cost of acquisition thereof, deducting the value of the extent of land required for roads" - In June 1922 a reminder was sent to him inviting reference to the above letter and asking him to remit Rs 4,000 as asked for therein

6. After some further correspondence, Government in their Order dated 19th June 1923 declined to ratify the agreement stated to have been made with Mr. Bammiah regarding the apportionment of the acquisition charges and directed that he should be called ~~for~~ upon to pay the whole of the cost of of acquisition for the land handed over to him and similarly for the properties not yet taken possession of.

7. In the Meeting held on the 7th July 1923 the Board resolved that Government be requested to reconsider the subject in view of the fact that the acquisition of the properties served a large public educational institution benefitting the citizens, but Government have not been pleased to do so - They say in their Order dated 1st March 1924 that the land handed over to Mr. Bammiah should be taken back, unless he pays the full value of the acquisition according to the original understanding and that as regards the acquisition of the remaining six properties of which possession has not been taken, the Board should par out of its funds or withdraw from the acquisition.

8. Mr. Bammiah has paid Rs 1,600 towards his quota of acquisition charges, and with reference to the latest Government order on the subject, he

he states that he never agreed to pay Rs 15,000 that the building grant of Rs 15,000 has been reserved by him as School Fund, and that if 1/3 charges of acquisition cannot be accepted, he does not want the land, and the advance of Rs 1,600 might be refunded to him.

Kul-

Office of the Chairman.
City Improvement Trust Board,
Mysore. 30th April 1924

85
Rec one note
Copy of application

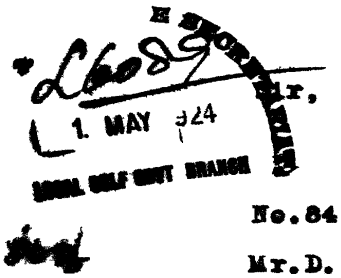
From

K. Myiar Rao, Esq., B.A., B.L.,
Chairman, City Improvement Trust Board,
MYSORE

Mr 3-23-15-9

To

M. Nagappa, Esquire, Bar-at-Law,
Secretary to the Government of His Highness
the Maharaja of Mysore, Local and
Legislative Departments



—

In forwarding herewith a copy of application No.84 dated the 18th April 1924 received from Dharmaprakasa Mr.D. Banumiah with reference to the latest Government Order No.L 6901-2/Ml.3-22-14 dated the 1st March 1924 regarding the acquisition of the properties behind his High School, I have the honour to state that Mr Banumiah says he never undertook to pay Rs 13,000 towards the cost of acquisition of the houses Regarding the grant of Rs 15,000 he says that he had presented an application No 46 dated the 8th March 1919 to the Dewan stating that if the grant were sanctioned, he would supplement it by another Rs 5,000 and keep the amount as School Fund, and that when the grant was sanctioned he did accordingly supplement it and has reserved the whole of Rs 20,000 as School Fund It is also urged that according to the Grant-in-aid rules, he should have been given a grant of Rs 40,000 being 1/3 of the estimated amount of the building, while he was given only Rs 35,000. Finally, Mr Banumiah states that he is prepare to pay 1/3 of the cost of acquisition of the land that ma on actual measurement be made over to him, and that if thi

2b

this is not possible, no land is required for his School and that the sum of Rs. 1,600 advanced by him on this account may be refunded.

2. I have perused the records and submit herewith a brief Note prepared thereon for reference of Government. In this connection it is to be noted that the High School being a large popular Educational Institution, has to be provided with sufficient open space As it is, the area immediately behind, quite close to the School, is in a very insanitary condition, and the six house that are still standing are in a neglected and dilapidated condition. It is absolutely necessary to remove these houses in the interests of the health of the students attending the School. If the acquisition of these houses should be withdrawn, and they are allowed to remain as residential quarters, a very unwholesome situation will be created. Further, it is not desirable to allow family houses to stand hardly within 10 yards of the School.

3. The omission of the Education Department to adjust the cost of acquisition of these houses, when the grant of Rs 15,000 was sanctioned, should not, it is submitted, make the Board suffer, especially when the grant made to it is curtailed and its financial condition is unsatisfactory All the houses except six have already been dismantled and levelled and the existing six have also to go If the agreement made with Mr Banumiah in consultation with the Inspector General of Education be not ratified by Government, the whole cost of acquisition will have to be borne by the Board, and though the land already given to the School be taken away from it, it will still have the benefit of that land, since it cannot be allowed to be put to any other use

4. Under these circumstances, I request that you may be so good as to place the matter once again before Government for their reconsideration, and obtain their orders

5. I may state for the information of Government that Mr. Banumiah has paid Rs 1,600 towards his quota of acquisition charges.

I have the honour to be,

Sir,

Your most obedient servant,

K Nijalingappa

Chairman

SKS.

N O T E.

Regarding the acquisition of properties behind Dharmaprakasa D. Banumiah's High School.

The free grant of the land behind Mr. Banumiah's School was first suggested by Mr.R.H. Campbell, I.C.S., C.I.E., Private Secretary and Trustee, who visited the School at the special request of Mr. Banumiah in October 1916, whereupon the Trust Board in their meeting dated the 30th October 1916 resolved "that the properties estimated to cost Rs 13,250 be acquired, and the land added on to Mr. Banumiah's School, free of cost". A scheme for the acquisition of the 14 properties behind the School was accordingly submitted to Government with this office letter No.347-S 61/C.432 of 1916-17 dated the 10th November 1917. As orders of Government were not received and Mr. Banumiah kept urging, reminders were sent to Government. In April 1920, a reply was received from Government in Revenue Secretary's letter No.R.12,254/M1 24-17-70 dated the 19th April 1920, stating that the provisions of the Land Acquisition Regulation could not be applied for the acquisition of the properties in question, and that Mr. Banumiah must arrange to secure them by private negotiation The Order was communicated to Mr. Banumiah, but nevertheless, he continued to agitate in the matter and petitioned also to the President of the City Municipal Council, and the Sanitary Commissioner

2. While matters stood thus, Government on a reconsideration of the case, sanctioned, in their Order No.R 5970-1/M1 24-17-73 dated the 19th November 1920, the acquisition of the properties at an estimated cost of Rs 13,520, the cost being met in the

first instance by reappropriation from the Budget grants of the Trust Board. This order was followed by another letter No R.5972/M1.24-17-74 dated the 19th November 1920 from the Secretary to Government, Revenue Department stating that the properties might be acquired in the first instance for the Trust Board, and then made over to Mr Banumiah after recovering from him the cost of acquisition and clearance of the site, or any other reasonable price which may be decided upon by the Board.

3. The question what price Mr Banumiah was to pay for the properties appears to have been considered during a visit of the school in February 1920 by Mr. Reddi who was then the Inspector General of Education and he seems to have suggested that in asmuch as the surroundings would also be benefited to some extent by improvement of the rear road, the Trust Board might bear ½ of the cost of acquisition, ½ being contributed by the Education Department and the remaining ½ being paid up by Mr. Banumiah (Vide Chairman's Note on this office draft letter No 275-S.50/C.129 of 1919-20 dated the 12/13th January 1920 to Government) After the receipt of the Revenue Secretary's letter dated the 19th November 1920, the question appears to have been considered again during another visit of Mr. Reddi, as Mr. Banumiah complained that half the cost would be high for him; and it seems to have been decided as a compromise, that 1/3 of the cost be borne by the Trust Board, 1/3 by the Education Department and the other 1/3 by Mr. Banumiah himself (Vide Chairman's Note dated 24th November 1920 at the foot of Government Order No. R 5970-1/M1 24-17-7: dated the 19th November 1920) These facts were

reported to Government in this office letter No.44, dated the 22nd December 1922

4. The Chief Secretary having , in his letter No.E.581/Edn.9-21-23 dated the 2nd August 1922, called for a report as regards the acquisition of the sites behind the School for the construction of a Science Laboratory for the same, it was reported in this office letter No 20 dated the4/7th September 1922 that eight out of 14 properties declared for acquisition had been taken possession of and dismantled and the remaining had still to be taken possession of, that the total cost of acquiring and demolishing all these 14 properties would amount to Rs 19,579-6-0 and that it was agreed that the Trust Board, the Education Department and Mr. Banumiah were to pay each a third of the cost each Viz Rs 6,526-6-0

5. On a copy of the above letter being furnished to Mr Banumiah, he represented to Government that he was liable to pay a third of the cost of the site given over to the School and not a third of the entire cost of acquiring and demolishing all the 14 houses, and on this a further detailed report was called for as to whether he was called upon to pay for all the properties including those reserved for widening the roads. This was furnished in this office letter dated the 22nd December 1922. It will be seen from para 3 thereof that the total area proposed to be cleared is 1,616 square yards and that 992 square yards will be within the compound of the School and the remaining 624 square yards will be for roads etc outside. A clear and definite understanding as to whether he was to pay a third of the entire cost of acquisition and demolition or only a third of the cost of what would be added on to the School does not seem to have been arrived at, since in a letter dated the 31st August 1921 addressed

231

addressed to him by the Chief Officer of the City Municipal Council he was required to remit Rs 4,000 "which will nearly be one third of the entire cost of acquisition thereof, deducting the value of the extent of land required for roads" - In June 1922 a reminder was sent to him inviting reference to the above letter and asking him to remit Rs 4,000 as asked for therein

6 After some further correspondence, Government in their Order dated 19th June 1923 declined to ratify the agreement stated to have been made with Mr. Banumiah regarding the apportionment of the acquisition charges and directed that he should be called ~~for~~ upon to pay the whole of the cost of acquisition for the land handed over to him and similarly for the properties not yet taken possession of.

7. In the Meeting held on the 7th July 1923 the Board resolved that Government be requested to reconsider the subject in view of the fact that the acquisition of the properties served a large public educational institution benefitting the Citizens, but Government have not been pleased to do so - They say in their Order dated 1st March 1924 that the land handed over to Mr Banumiah should be taken back, unless he pays the full value of the acquisition according to the original understanding and that as regards the acquisition of the remaining six properties of which possession has not been taken, the Board should pay out of its funds or withdraw from the acquisition

8. Mr. Banumiah has paid Rs 1,000 towards his quota of acquisition charges, and with reference to the latest Government order on the subject, he

BV

he states that he never agreed to pay Rs 13,000 that the building grant of Rs 15,000 has been reserved by him as School Fund, and that if 1/3 charge of acquisition cannot be accepted, he does not want the land, and the advance of Rs 1,500 might be refunded to him

K. Muthulingam

To Bamumiah's Collegiate High School
Mysore
Dated 18 4 1924

From

The President,
Sri Bamumiah's Collegiate High School
Mysore

మేన్మంగళ నివాసి ఇంద్రమ్మాళిం కోర్టు హైస్కూల్ హోర్డింగ్ వారి పక్షాన వ్రాయునది

కర్మ 11 4 24 నాడు మధ్యాహ్నం 1174 నాడు నాగరాజు లారీలు మధ్య ఇరువురి బేరియుల్లో దర్యాప్తు సివిల్ 1 3 1924 నాడు మధ్యాహ్నం ఫ 6901-2 గుల్ 3 22 14 నాడు మధ్యాహ్నం కార్మికులతో ఆర్డర్ల రాని కడ కలిగిరి ఈ విచారణకై నన్నభినాబు చేసిరి —

1 మొదలైన దుంభ్రాంతర వాసనలన్ను తొలగియున విచారణ్లో కనబడినది 13000 రూం పాయలు గల్గున్న నాను దీం తెలుక్కోలేనేం యుం పాపమన్నా చేళ్ళలేదిల్లా మళ్ళు ఆ విధముల్లో నేం బరచిరువుదిల్లా నొళ్ళలింపినవర బిడ్డ చింతలో మొళ్ళలి న దుంభ్రాంతర మనసేవళ్ళన్ను తోసియిని. మొళ్ళలినవలం భ్రాంతవల్లా ప్రేమ్లే బోగిదినవరు పాంకి సిరువ కాంపౌండినందే కాంపిరెడ్డు శుభ పాంకిని చేసుంద చూడచేరిరు నాను యుస్లేకొళ్ళెక్ సువరలూర నడనే దిం 12 1918 నాడు వాలకుం 33 నాడు నిం బాగు లోపరు వడనే బోదించిరు కోర్టునే బిబ్బుూవళ్ళన్ను నాను చేంతలువడాంని చేడు బోదించిరు కోర్టునే బిబ్బుూవళ్ళన్ను నాను చేంతలువడాంని ఎంచినయుం సిద్ధిరువుదిల్లా

2 ప్రేమ్లే బుడ్డిదినవరు మొళ్ళలినవ దుంభ్రాంతర వాసనలన్ను చేసేయుటవల్లనే కోర్టు వారిచే 13000 రూం పాయలు గల్గున్న నాను దీం కొనుక్కోవుదక్కే వచ్చి 35000 రూం పాయలు విల్లుంగాక్రాంపు నోళ్ళలు చేళ్ళుంచిడ్డాని యుం 992 జిల్లా వరగల్ అర్జీ జిల్లా బుం బుట్ట 1300 రగా పాయలు గల్గునాని బందు రాయుం నాం వలె దీం చిల్లెలవ్వ, దాం, చీరలు, బిళ్ళ లుం యుటిలవ్వ కొనుక్కొనవల్లే 13000 గా నన్ను హైదరాబాదు చుట్టి దీన్ని కొళ్ళు కొని పాండవల్లే 13000 గా

5 భైట్ స్టేట్మెంట్ పి.నరసింహారావు 2 7 23 నాటి మెమో నం. 1009/430 నాటి నంబరు ఆదేశాలు మేరకు ప్రొసీడింగ్స్ ప్రకారం ఫోర్ట్ ఫైనల్ 11 7 23 నాటి మెమో నం. 219 నాటి నంబర్ లక్ష్మీకాంత్ నాయుడు పి.వి.వి.బాబు బదిలీల 30 7 23 నాటి మెమో నం. 419 మేరకు 50 నాటి నంబరు లావేరు నర్సిపట్నం సబ్ రిజిస్ట్రార్ కార్యాలయాన్ని ప్రొసీడింగ్స్ నవీన్ 992 జిల్లా రిజిస్ట్రార్ సూచనలను ప్రొసీడింగ్స్ నరసన్నపేట సబ్ రిజిస్ట్రార్ వారికి, ఉద్యోగి నాయుడు ప్రొసీడింగ్ ఇచ్చాపురం వారికి, నరసన్నపేట సబ్ రిజిస్ట్రార్ ఆఫీసులో డ్యూటీ ఆఫీసర్ గా పనిచేయుచున్న 1/3 స్థాన మెంబరుగా పనిచేయడం జరుగుచున్నది. ఇట్టి విషయాన్ని దృష్టిలో ఉంచుకొని మెంబరుగా పనిచేయుచున్న సిబ్బంది వారి పిల్లలు ఇంటర్ పరీక్షలు వ్రాయుచున్నందున వారి పిల్లలు పరీక్ష రాయు నిమిత్తం లావేరు సబ్ రిజిస్ట్రార్ ఆఫీసులో డ్యూటీ ఆఫీసర్ గా పనిచేయుచున్న మెంబరుగా పనిచేయుచున్న వారిని విడిచి ఆదర 1/3 స్థాన మెంబరుగా కార్య నిర్వహణ చేయుచున్న వారిని నవరం 1/3 స్థాన మెంబరుగా నియమించడమైనది. మిగిలిన మెంబరుగా పనిచేయుచున్న సిబ్బంది యొక్క వివరములు ప్రొసీడింగ్స్ నాయుడు దేవుడుకి తేదీ ఫైలుగా 16.00 గంటలకు ఉదయిస్తే నన్ను నవరం కార్యాలయ కార్యాలయ కోరడమైనది.

(సం) టి.ఎ.ఎ.నాయుడు

"Copy"

T.A.A. Naidu
Chairman

Abstract of petition of Mr Banumaiya dated the 18th April 1924 received with Chairman's letter dated the 30th April 1924

In acknowledging letter No 1174 dated the 11th April -- 1924 from the Chairman, Trust Board, Mysore, together with a copy of G O No L.6901-2/M1 3-22-14 dated the 1st March 1924, Mr Banumaiya states as follows -

1 That he never undertook either orally or in writing to pay Rs 13,000 or any sum towards the cost of acquisition of the houses behind the school On the other - hand, he had already written to the Inspector-General of Education on the 20th December 1918, that the cost of -- the acquisition of the houses as well as the cost of - - putting up a compound wall behind the school as in the - front which was borne by the Trust Board, should be - - borne by Government

2 In the Government Order it is stated that the petitioner received a grant of Rs 35,000 from Government on the -- understanding that he would pay to the Trust Board the - sum of Rs. 13,000 which the Board has to incur towards - the acquisition of 992 sq yds of land He has never agreed to such a condition He may be granted copies - of records, if any, wherein he has entered into such an agreement

3 That re the grant of Rs 15,000 he says that he had presented an application to the Dewan Sahib stating that if the grant were sanctioned he would supplement it by another Rs 5,000 and keep the amount as School Fund and - that as soon as the amount was paid he did supplement it on the 30th May 1920 by another Rs 5,000 and the whole sum of Rs 20,000 is now reserved as School Fund

4 That Order No G.L £ 3775 of 19-2C dated the 1st November 1919 issued to him by the Inspector-General of Education did not contain any such condition That the final estimate of the School building made by the Executive Engineer as directed by Government, has come up to about Rs 1,40,000 and that according to the grant-in-aid rules, he is entitled to a building grant of Rs 46,666 being one-third of the estimated amount of the building, while only a grant of Rs 35,000 has been disbursed to him and that he has applied to the Inspector-General of Education with application No 36 dated the 13th May 1920 for payment of the balance grant of Rs 11,666-10-8 which he has not received yet

5 That a perusal of his letters Nos 49 and 50 dated the 30th July 1923 written by him to the Inspector-General of Educatior and the Chairman, Trust Board, in reply to their Nos 1009/430 dated the 2nd July 1923 and No. 29 dated the 11th July 1923 respectively will show that he had already informed them that he was not put in possession of the land measuring 992 sq yds, That he would not pay the full value therefor, that he would pay one-third of the value if the whole extent of land was given to him and that no land was required for the school otherwise That he is prepared to pay one-third cost of the acquisition of land that may on actual measurement be made over to him and if this is not approved no land is required for the school and the amount of Rs 1,600 advanced by him may be refunded to him

E V M

PROCEEDINGS OF THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE

---oOo---

Read -

1) Correspondence ending with G.O. No. L.6901-2/M1.3-22-14, dated the 1st March 1924 stating that land round about the Mr. Banumiah's High School at Mysore acquired at a cost of Rs. 13,000 odd including the cost of clearance etc. should be taken back from him if it has been already handed over to him unless he pays the full value of the acquisition

2) Letter No. 85, dated the 30th April 1924 from the Chairman, City Improvement Trust Board, Mysore, forwarding a copy of application No. 84, dated the 18th April 1924 received from Mr. Banumiah stating that in case the Government are not prepared to receive one-third cost of the acquisition or the land made over to him, no land is required for the school and the sum of Rs. 1,600 advanced by him on this account may be refunded to him and recommending reconsideration of the above Government order

---

ORDER NO d-1193-5

Bangalore, 7th July 1924
Revised.

Prior to the year 1919, Government sanctioned a grant of Rs 20,000 for the Mr Banumiah's School at Mysore as follows -

follows -

Rs 5,000 in G O. No 1561-2/Edn. 376-13-5, dated 12-8-1914
Rs. 5,000 in G.O. No. 19-20/Edn 33-14-84, dated 5-7-1915, and
Rs.10,000 in G O. No. 2470-1/Edn. 33-14-92, dated 29-11-1915

In his letter No. 20022/72, dated the 18th February 1918 the Inspector-General of Education reported that the total cost of the construction of the building amounted to Rs 93,319 and that under the ordinary grant-in-aid rules, a grant of Rs 31,100 could be paid As it was stated that the bulk of the expenditure had been incurred at the instance of the authorities, he recommended as a special case a further grant of Rs. 15,000 bringing the total grant to Rs. 35,000 in all.

In the meantime, the Chairman of the Mysore City Improvement Trust Board had submitted a proposal for the acquisition of certain properties adjoining the school and to make a free grant of the area thus acquired to the School - The question of granting the sites free of cost in lieu of the additional grant proposed was then considered by Government and in view of certain difficulties, the Government in their Order No 3103-4/Edn.7-19-19, dated 30-8-1919 finally sanctioned the additional grant and directed that, as regards the additional land wanted for the school, Mr Banumiah should apply to the Trust Board for such help as might be given consistently with the existing provisions of law The Chairman of the Trust Board

was informed later on in April 1920 that the previsions of the Land Acquisition Regulation could not be applied to the case and that Mr Banumiah might arrange to - secure the lands by private negotiations.

4 The above question having come up for reconsideration, Government in their Order No. R. 5970-1/Ml. 24-17-73, dated the 19th November 1920 directed that as the acquisition of the lands in question was primarily for the improvement ~~of the sanitation and appearance~~ and sanitation of the locality, they may be acquired, the cost estimated therefor being met in the first instance by the -- Trust Board and that the sites may be made over to Mr Banumiah after recovering portion of the cost of acquisition and clearance or any other reasonable price that may be fixed by the Trust Board.

5 The total area notified for acquisition is 1618 sq. yds. of this, 992 sq- yds have been acquired at a cost of Rs.12,000 and handed over to Mr. Banumiah. Mr. Banumiah says that he never undertook to pay Rs. 13,000 towards the cost of acquisition, that as regards the grant of Rs. 15,000, he had, as agreed to by him, kept the same in reserve as a School fund with another - - Rs. 5,000 supplemented by him, that he - should have been given a grant of Rs.46,666 being one-third of the total cost as at - present estimated and that he is prepared to pay one-third of the cost of acquisition of the land that may be actually made over

to him and that if this is not possible, no more land ~~is required~~ will be taken for the school and that the sum of Rs. 1,600 advanced by him on this account may be refunded.

6 Government observe that in their order of the 30th August 1919, they made a further grant of Rs. 15,000 as a special case and directed that the question of acquisition of the land be treated independently as a matter between Mr. Banumiah and the Trust Board. It is seen that subsequent to this, an arrangement has been come to between the Chairman of the Trust Board, Mr Banumiah and the Education Department that the cost of acquisition may be met one-third by the Trust Board, one-third by the Education Department and one-third by Mr. Banumiah. In modification of their order of the 1st March 1924 read above, Government are now pleased to ratify the above arrangement. The Trust Board will accordingly recover from Mr. Banumiah one-third of the cost of the land actually made over to him excluding the portion required for the road, viz, 1/3rd of 992 sq. yds. costing Rs. 12,000 i e, Rs 4000 The action taken in the matter, with information as to the amount recovered from Mr Banumian should be reported for the information of Government, early. The Education Department is also requested to arrange for the payment to the Trust Board early its 1/3rd share of the cost viz, Rs. 4000.

L & L Secy to Govt.

To

The Chairman, C I T B Mysore
The Inspector General of Education.
The Comptroller to Govt.
Copy to Private to Secy. to H.H for information

S VI—G/32]

42

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

, the 192

Section 3rd

File No.

Serial No

No L 1203/ [illegible]

DO -

To

Date of issue 7th August 24.

The Private Secretary to

H H Maharaja of

Signed by Mr. B Wakefield

Dear Sir,

of the go has to be

& the Private Secretary to

the Maharaja, the

Covering letter is sent for

I am desired to forward

herewith for your information a Copy of the go no

L 11935/M1 3 23-12 dt 8 24

relating to the acquisition of

Certain properties by the Trust

Board for Dharmaprakasa D

Bammmah's High School and the

payment of certain dues by

the Donor, for information

Yours [illegible]

Approved. Mesrs

Antonisamy Pillai for

signature

Mr 6/8

Mr 6/8/24

Mr 6/8

8/8 L L.